

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Naum Sapozhnikov
Title: ASPHALT CONCRETE PAVEMENT WITH CONCRETE SUBBASE
WITH THE ENRICHED QUARRY LIMESTONE WASTE AS A
COARSE AGGREGATE
Serial No.: 10/790,646
Filed: March 1, 2004
Confirmation No.: 9759
Examiner: Gary S. Hartmann
Art Unit: 3671

Docket: 01-7707-02
Date: February 18, 2005

Commissioner for Patents
P.O. 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed please find:

- ✓ Acknowledgement Postcard
- ✓ 2 Cover Sheets w/Certificate of First Class Mailing
- ✓ Restriction Requirement
- ✓ Amended ABSTRACT

Please charge any additional fees and credit any overpayment to Deposit Account No. 23-0083. A duplicate of this cover sheet is enclosed.

Respectfully submitted,

Robert C. Smith, Reg. No. 17,500
LAW OFFICES OF JOHN E. WAGNER
3541 Ocean View Boulevard
Glendale, CA 91208
(818) 957-3340

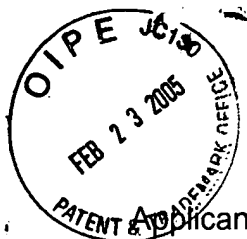
CERTIFICATE OF FIRST CLASS MAIL (37 CFR 1.8)

I hereby certify that these documents are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Signed

Dated

Feb 18, 2005



ITW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Naum Sapozhnikov
Title: ASPHALT CONCRETE PAVEMENT WITH CONCRETE SUBBASE
WITH THE ENRICHED QUARRY LIMESTONE WASTE AS A
COARSE AGGREGATE
Serial No.: 10/790,646
Filed: March 1, 2004
Confirmation No.: 9759
Examiner: Gary S. Hartmann
Art Unit: 3671

Docket: 01-7707-02
Date: February 18 2005

Commissioner for Patents
P.O. 1450
Alexandria, VA 22313-1450

Dear Sir:

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action in the above-identified application dated January 26, 2005. The Office Action consisted essentially in a requirement to restrict claims in the application to one of the following inventions:

I Claims 5-13 and 19-21, drawn to a pavement, classified in class 404, subclass 31.

II Claims 14-18, drawn to a method of making, classified in class 404, subclass 75.

The Examiner stated "Inventions I and II are related as process of making and product made." It was further stated that the inventions are distinct, if either of both of the following can be shown:

1) that the process as claimed can be used to make other and materially different product; or

2) that the product as claimed can be made by another and materially different process (MPEP §806.05(f)).

It was also noted that in the instant case, the process does not require the asphalt surface course.

Applicant elects to prosecute the claims of invention I, the product claims.

The ABSTRACT has been amended to delete material related to "the purported merits, etc.". A number of articles are included to make the text read more clearly.

Respectfully submitted,



Robert C. Smith, Reg. No. 17,500
LAW OFFICES OF JOHN E. WAGNER
3541 Ocean View Boulevard
Glendale, CA 91208
(818) 957-3340

RCS:mm

I:\Patent\Sapozhnikov\02.RESTRICTION REQUIREMENT